



CITY OF MEMPHIS

COUNCIL AGENDA
September 16, 2003

Public Session Tuesday, 3:30 p.m.
Council Chambers, First Floor, City Hall
125 North Main Street
Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING

1. **ORDINANCE** to amend Chapter 21, Code of Ordinances, so as to require School Zone Signs at all Memphis City Schools, up for F I R S T reading.

Mitchell

Ordinance No. 5017

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCES - SECOND READING (none)

ZONING ORDINANCES - FIRST READING (none)

ZONING ORDINANCES- SECOND READING

2. **ORDINANCE** rezoning the north side of Ellis Road; beginning 944.6 feet west of Brunswick Road, containing 110 acres in the Former gravel extraction/Agricultural (AG) District, up for S E C O N D reading. (Held from 9/2)

Peete

Ordinance No. 5013
Case No. Z 03-114cc

Applicant: Windsor Park, LLC
Keith Grant – Representative

Request: Single Family Residential (R-S10) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

3. **ORDINANCE** rezoning the southwest corner of E. McLemore Avenue and Kraye Street, containing 0.15 acre in the Duplex Residential (R-D) District, up for S E C O N D reading.

Peete

Ordinance No. 5015
Case No. Z 03-115

Applicant: Lisa Cox
Suhkara Abdul Yahweh - Representative

Request: Local Commercial (C-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

4. **ORDINANCE** rezoning the north side of Pontotoc Avenue \pm 180 feet east of Orleans Street, containing 0.43 acre in the Light Industrial (I-L) District, up for S E C O N D reading.

Peete

Ordinance No. 5016
Case No. Z 03-106

Applicant: Glenwood & Lucie Roane
T. R. Branch, Strategic Visions - Representative

Request: Townhouse Residential (R-TH) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

5. **RESOLUTION** approving final plat of BELLEVUE HILLS COMMERCIAL, P.D.
Case No. PD 02-347
Contract No. CR-4819

Resolution approves the final plat located on the southeast corner of Appling Road and Appling Glen Drive. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

6. **RESOLUTION** approving final plat of FOREST CREEK P.D., PHASE 5, 2ND AMENDMENT (BARKLEY SQUARE, FIRST ADDITION).
Case No. PD 02-365cc
Contract No. CR-4820

Resolution approves the final plat located along Berkley Hall Drive, north of Shelby Drive, south of Nonconnah Parkway. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

7. **RESOLUTION** accepting THE MALLORY GROUP P.D., PHASE 2 and authorizing release of bond.
Case No. PD 94-343
(Contract No. CR-4479)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the east side of New Swinnea Road, 2,980.20 feet \pm north of Shelby Drive. The standard improvement contract was approved on September 7, 1999. Resolution also authorizes the release of the performance bond in the amount of \$137,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

8. **RESOLUTION** accepting BIG ORANGE and CORDOVA PARK ROAD STREET DEDICATION and authorizing release of bond.

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located south of Macon Road, east of North Sanga Road. The standard improvement contract was approved on June 4, 1996. Resolution also authorizes the release of the performance bond in the amount of \$454,100.00.

This action is subject to County approval

ACTION REQUESTED: Adopt the resolution

9. RESOLUTION accepting KATE BOND COMMONS P.D., SECOND AMENDMENT, PHASE 3 and authorizing release of bond.

Case No. PD 00-368
(Contract No. CR-4714)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the south side of Highway 64, west of Kate Bond. The standard improvement contract was approved on April 16, 2002. Resolution also authorizes the release of the letter of credit in the amount of \$244,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

10. RESOLUTION accepting WHITE CAP SHOPPING CENTER AMENDED, PARCEL A, PHASE 3, LOT 2 and authorizing release of bond.

Case No. Z 02-112
(Contract No. CR-4783)

bond Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of Neely Road, south of Shelby Drive. The standard improvement contract was approved on March 4, 2003. Resolution also authorizes the release of the performance in the amount of \$30,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

11. RESOLUTION accepting ROBERTS/SIMMONS P.D, and authorizing release of bond.

Case No. PD 00-349
(Contract No. CR-4673)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the south side of Alps Road, west of Austin Peay Highway. The standard improvement contract was approved on November 20, 2001. Resolution also authorizes the release of the letter of credit in the amount of \$39,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

12. RESOLUTION accepting GOODLETT FARMS EAST P.D., PHASE 6 and authorizing release of bond.

Case No. PD 90-317cc
(Contract No. CR-4066)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the southeast corner of Goodlett Farms Parkway and Charles Bryan Road. The standard improvement contract was approved on February 20, 1996.

Resolution also authorizes the release of the performance bond in the amount of \$75,400.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

13. RESOLUTION accepting HOUSTON LEVEE TRAILS P.D., SECOND AMENDMENT, PHASE 2, PART OF AREA B and authorizing release of bond.
Case No. PD 97-320cc
(Contract No. CR-4567)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of Houston Levee Road, 1,378 feet + south of U.S. Highway 64. The standard improvement contract was approved on July 11, 2000. Resolution also authorizes the release of the letter of credit and the letter of credit amendment in the amount of \$402,400.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

14. RESOLUTION accepting PLANNED WHOLESALE DISTRIBUTION PARK M-L, PHASE 9, PART OF PARCEL 1 and authorizing release of bond.
Case No. Z-2762cc
(Contract No. CR-4697)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the east side of Whitten Road, south of Charles Bryan Road. The standard improvement contract was approved on January 22, 2002. Resolution also authorizes the release of the letter of credit in the amount of \$61,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

15. RESOLUTION accepting AFTON GROVE P.D., PHASE 1A AND 1B and authorizing release of bond.
Case No. PD 01-319cc
(Contract No. CR-4717)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the north side of Rocky Point Road, west of Afton Grove Road. The standard improvement contract was approved on May 7, 2002. Resolution also authorizes the release of the letter of credit in the amount of \$175,108.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

16. RESOLUTION accepting MT. MORIAH/KIRBY SUBDIVISION and authorizing release of bond.
Case No. S 97-034cc
(Contract No. CR-4294)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the north side of Mt. Moriah Road at the intersection of Kirby Parkway. The standard improvement contract was approved on February 17, 1998. Resolution also authorizes the release of the performance bond in the amount of \$41,700.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

17. RESOLUTION accepting LAMAR AVENUE AT TUGGLE ROAD SEWERS, CONTRACT 2 and authorizing release of bond.
(Contract No. CR-3931)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of Lamar Avenue, 500 feet south of Tuggle Road. The standard improvement contract was approved on May 2, 1995. Resolution also authorizes the release of the performance bond in the amount of \$8,300.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

18. RESOLUTION accepting THE MARKS P.D., PHASE 2, AREA A and authorizing release of bond.

Case No. PD 97-364cc
(Contract No. CR-4409)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the northeast corner of Germantown Parkway and Varnavas Drive. The standard improvements contract was approved on March 2, 1999. Resolution also authorizes the release of the letter of credit in the amount of \$27,500.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

19. RESOLUTION accepting PARKWAY CROSSING P.D., PHASE 6 (LENOX CORPORATE PARK) DEDICATION OF MOUNT MORIAH EXTENDED and authorizing release of bond.

Case No. PD 95-316cc
(Contract No. CR-4261)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on Mount Moriah Extended, north of Knight Arnold Road. The standard improvement contract was approved on November 18, 1997. Resolution also authorizes the release of the letter of credit in the amount of \$9,100.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

20. RESOLUTION accepting CONCORD ESTATES SUBDIVISION, SECTION A and authorizing release of bond.

Case No. S 99-062cc
(Contract No. CR-4749)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located terminus of Gertrude Drive, 796.66 feet south of Shelby Drive. The standard improvement contract was approved on October 15, 2002. Resolution also authorizes the release of the letter of credit in the amount of \$111,500.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

21. RESOLUTION accepting CORDOVA INDUSTRIAL PARK SUBDIVISION, 4TH ADDITION and authorizing release of bond.

City Engineer recommends approval

22.

(Contract No. CR-4535AM2)

City Engineer recommends approval

GENERAL ITEM

23.

Sammons

NOTATIONS FROM OPD (none)



CITY OF MEMPHIS

COUNCIL AGENDA

September 16, 2003

Public Session, Tuesday, 3:30p.m.

Council Chambers, First Floor, City Hall

125 N. Main Street

Memphis, TN 38103-2017

APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

24. RESOLUTION recognizing Buehler Enterprises for their dedication to the Memphis Community. (Held from 7/15; 8/5; 8/19; 9/2)

Vander Schaaf

ACTION REQUESTED: Adopt the resolution

25. APPOINTMENTS (Held from 8/5; 8/19; 9/2)

Marshall

Memphis & Shelby County Building Code Advisory Board

Appointments

Reappointment

Bob Paullus
Hunter Ryan

Antonio Bologna

Memphis & Shelby County Joint Board of Appeals

Appointments

Reappointment

David Dixon
Marta A. McCully
Jamnu Tahiliani
Gary Wagner
Don White

Alfred Alperin

Memphis & Shelby County Joint Mechanical/Gas Board

Appointments

Jerry Ferrell
Allen Hartsfield

Memphis & Shelby County Plumbing Board

Appointments

Reappointment

Lloyd Rainey
Steve Stachowski

Harold McDonald

Memphis & Shelby County Electrical Board

Reappointments

Phillip Lim
Claud McCrory
William Basinger
Ralph Gusmus

City Beautiful Commission

Reappointment

Annette C. B. Hunt

EXECUTIVE DIVISION

FINANCE & ADMINISTRATION

26. RESOLUTION appropriating \$63,495.00 in G.O. Bonds General for the purchase of two Library Service Vehicles from Chuck Hutton Chevrolet, CIP Project No. LI011, Service Vehicle Replacement.

Holt

ACTION REQUESTED: Adopt the resolution

27. RESOLUTION authorizing a transfer from the Debt Service Fund to the General Fund for an amount not to exceed \$5.0 million for the Fiscal Year July 1, 2002 through June 30, 2003.

Peete

ACTION REQUESTED: Adopt the resolution

28. RESOLUTION canceling taxes in the amount of \$21,391.06 for Anointed Temple of Praise located at 3939 Riverdale Road, Parcel Number 093500 00561 for the tax years 2002 and 2003.

Vander Schaaf

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES

29. RESOLUTION accepting grant funds in the amount of \$1,148,300.00 from the Federal Emergency Management Agency for the development and maintenance of the National Urban Search and Rescue Response System.

Mitchell

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION appropriating \$2,696,169.00 for the purchase of Air Masks and associated equipment chargeable to FY 2004 Capital Improvement Budget.

Mitchell

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES (none)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (none)

DIVISION OF HUMAN RESOURCES (none)

LAW DIVISION (none)

DIVISION OF PARK SERVICES

31. RESOLUTION appropriating \$428,700.00 in Construction Funds for Metal Museum Bluff Stabilization. Resolution also transfers an allocation and appropriation of \$51,777.00 from Architecture/Engineering to Construction.

Holt

Council did include Park Drainage, CIP Project Number PK193 as part of the FY 2004 Capital Improvement Program. Bids were received on June 27, 2003 with the lowest and best complying bidder being the firm of Neibel Construction.

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (none)

DIVISION OF PUBLIC WORKS

32. RESOLUTION amending the Capital Improvement Budget by appropriating \$250,000.00 in G.O. Street Bonds for Downtown Public Improvements, Project No. PW203 for construction of Peabody Place Element E and Design and various downtown streetscape improvements.

Holt

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution

GENERAL ORDINANCE -THIRD AND FINAL READING

33. ORDINANCE establishing the Prevailing Wage Benefits Package, up for T H I R D and F I N A L reading.

Marshall

Ordinance No. 5014

ACTION REQUESTED: Take whatever action Council deems advisable

ZONING ORDINANCES - THIRD AND FINAL READING

34. ORDINANCE rezoning an area generally bounded by E. Parkway on the west, Parkway Place and Sam Cooper Boulevard on the north, Bingham and Williford on the east and Poplar Avenue on the south, in the Single Family Residential (R-S6 & R-S15), Duplex Residential (R-D) & Multiple Family Residential (R-MM) Districts, up for T H I R D and F I N A L reading. (Held from 4/15; 6/17)

Peete

Ordinance No. 4994
Case No. Z 02-133

Applicant: Landmarks Commission
Nancy Jane Baker – Representative

Request: Historic Conservation (H-C) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

159 NOTICES MAILED ON APRIL 3, 2003

35. ORDINANCE rezoning the east side of Pendleton; +368 feet north of Ketchum, containing 6,000 Sq. Ft., in the Single Family Residential (R-S6) District, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5012
Case No. Z 03-111

Applicant: Robert Fogleman
Dr. Ashok Kara – Representative

Request: Local Commercial (C-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

42 NOTICES MAILED ON SEPTEMBER 5, 2003

DIVISION OF PLANNING & DEVELOPMENT

36. RESOLUTION accepting grant funds in the amount of \$45,000.00 from the Tennessee Historical Commission for the Historic Properties Survey in the City of Memphis.

Peete

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION approving a special use permit located on the northwest corner of Raines Road and Neely Road, containing 6.41 acres in the Planned Commercial (C-P) District. (Held from 8/19; 9/2)

Peete

Case No. SUP 03-207

Applicant: Cummings Street Baptist Church
Grant Madsen – Representative

Request: Church Parking Lot

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

38. RESOLUTION approving a special use permit located on the north of Macon Road., at its intersection with Bartlett Rd., containing 23 acres in the Agricultural (AG) and Agricultural Flood Plain (AG[FP]) and Floodway (FW) Districts. (Held from 8/19)

Peete

Case No. SUP 03-209

Applicant: O.W. Winsett
Crafton Engineering P.C.(Nicholas T. Crafton, P.E)-
Representative

Request: Mining and related processing of sand

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

PUBLIC HEARINGS

39. RESOLUTION approving an appeal located on the south side of Newberry Avenue, 130 feet east of Fox Hunt Drive, containing 4.60 acres in the General Office (O-G) District.

Peete

Case No. PD 82-022

Applicant: National Church Residences
Ronald Harkavy - Representative

Appellant: Fox Meadows Gardens Subdivision Homeowners

Request: An elderly housing facility with 49 one-bedroom apartment dwellings and 1 two-bedroom apartment dwelling for the resident manager

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

83 NOTICES MAILED ON SEPTEMBER 5, 2003

40. RESOLUTION approving a planned development located on the southeast corner of Williams Avenue and Porter Street (along both sides of Dr. Hollis Price Street), containing 3.22 acres in the Vacant/Multiple Dwelling Residential (R-MM) District.

Peete

Case No. PD 03-327

Applicant: Memphis Housing Authority
LeMoyne Redevelopment, LLC - Representative

Request: 26 Lot Residential Subdivision

LUCB and OPD Recommendation: APPROVAL, subject to conditions

ACTION REQUESTED: Take whatever action Council deems advisable

55 NOTICES MAILED ON SEPTEMBER 5, 2003

41. RESOLUTION approving a planned development located on the east side of McElroy Road; +800 feet north of Mason Road, containing 1.88 acres in the Single Family Residential (R-S6) District.

Peete

Case No. PD 03-344

Applicant: Terry Investments, LLC
Terry Dann - Representative

Request: A maximum of 12 single family residential lots

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

168 NOTICES MAILED ON SEPTEMBER 5, 2003

42. RESOLUTION approving an appeal located on the north side of Finch Road at the intersection of April Forest Drive, containing 4.97 acres.

Peete

Case No. S 00-043cc

Appellant: Mr. & Mrs. Glen Ogden, et al

Request: Overturn the action of the Land Use Control approving a two-year time extension and increasing the number of lots from nine to sixteen within the preliminary plat

LUCB and OPD recommendation: APPROVAL, subject to revised conditions

ACTION REQUESTED: Take whatever action Council deems advisable

170 NOTICES MAILED ON SEPTEMBER 5, 2003

GENERAL ITEM

43. RESOLUTION approving \$150,000.00 for Clayborne Temple Church and First Baptist Beale Church. (Held from 6/17; 8/19; 9/2)

Ford

ACTION REQUESTED: Adopt the resolution

ADJOURNMENT